IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3129 of 2007.

Kalidas Dattatraya Salunkhe ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr J. D. Mane, Advocate for the applicant.

Ms S. D. Shinde, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 23RD OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail under Section 439 of the Cr.P.C. in C.R. No.154 of 2007 registered with Pandharpur Police Station, for the offence punishable under Section 304 read with Section 34 of the I.P.C.

4. The factual position is that due to rash and negligent act of the husband,the wife of the co-accused Nandkumar Jaywant Inamdar met with death. According to the learned counsel for the applicant at the most rash and negligent act of the husband (the present

applicant) the offence could be said to be falling within the purview of Section 304 of section of the I.P.C. In that view of the matter, looking to the maximum punishment which can be imposed, the applicant can be released on bail.

5. Learned A.P.P. opposed the prayer of bail but she could not take her submission to the logical end.

6. Having heard both parties, looking the nature of the act committed the submission made, in my considered opinion, no useful purpose would be served by detaining the applicant in custody till the trial is over. However, while releasing him on bail, imposition of certain stringent conditions will serve the ends of justice.

7. In the above view of the matter, considering the act of commission of offence, the applicant be enlarged on bail on following terms and conditions:-

a] The applicant Kalidas Dattatraya Salunkhe arrested in connection with C.R. No. 154 of 2007 registered with Pandharpur Police Station, under Section

304 read with Section 34 of the I.P.C. shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one or two sureties in the like amount.

b] The applicant shall report to above Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.till the conclusion of the trial.

c] The applicant shall not enter into village of the deceased and shall not contact any of the prosecution witnesses until conclusion of the trial.

d] The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

e] The applicant shall not, directly or indirectly, make any inducement or

threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

f] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

g] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

h] Breach of any of the above conditions may result in cancellation of this order.

8. Application is disposed of in above terms.

(V.C. DAGA,J.)